

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RONNIE MARTIN,

Plaintiff,

v.

TIM GRAY, DRUG ENFORCEMENT
ADMINISTRATION, and ABC
INSURANCE COMPANY,

Defendant.

Case No. 17-CV-1192-JPS

ORDER

On December 2, 2019, Plaintiff filed an amended complaint. (Docket #36). The amended complaint is largely similar to the original complaint, containing only a few additional details and claims. Pursuant to its screening obligation under 28 U.S.C. § 1915(e), the Court will allow Plaintiff to proceed on the claims stated in the amended complaint, with a few caveats. Defendant Tim Gray (“Gray”) is clearly Plaintiff’s primary target in this lawsuit. Plaintiff nevertheless attempts to sue the Drug Enforcement Administration as well as some of its individual agents, whose identity is not known to Plaintiff. Plaintiff cannot proceed against a federal agency under Section 1983; not only does the DEA enjoy sovereign immunity, it simply cannot be sued under that statute because it is not a “person.” *Wilkerson v. Ind. State Police Dep’t*, No. 3:11-CV-038-RLY-WGH, 2011 WL 6148829, at *1 (S.D. Ind. Dec. 9, 2011).

The Court will instead allow Plaintiff to proceed against the unknown individual agents as John Doe defendants. The Court encourages the plaintiff to immediately engage in discovery or any other method he

might use to identify the John Doe defendants, and to amend his pleadings to reflect any such discovered identities. He shall have until **February 28, 2020** to identify the John Doe defendants. If they are not identified by that deadline, they will be dismissed without further notice.

The Court further observes that Gray will likely move to dismiss most of the claims presented by Plaintiff pursuant to the doctrine of *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). *See* (Docket #18 at 1-2). The Court will nevertheless allow Plaintiff to proceed on his amended complaint as it is currently pleaded and leaves it to Gray to file any motions he feels are appropriate.

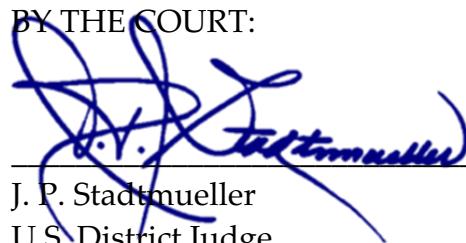
Accordingly,

IT IS ORDERED that the Defendant Drug Enforcement Administration be and the same is hereby **DISMISSED** from this action; and

IT IS FURTHER ORDERED that Plaintiff shall be allowed to proceed against John Doe defendants on the allegations of his amended complaint, and that he must identify those defendants on or before **February 28, 2020**, or they will be dismissed from the action.

Dated at Milwaukee, Wisconsin, this 18th day of December, 2019.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge